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The following document is attached for filing:

Request for Reconsideration and Clarification (3 pages).

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Confirmation No. 8229

Applicants : Allan Charles Webb, et al.
Serial No. : 10/784,459
Filed : February 23, 2004
Title : COMPONENT ASSEMBLY WITH FORMED
SPINDLE END PORTION
Group Art Unit : 3682
Examiner : Lenard A. Footland
Attorney Docket No. : 626220510021

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REQUEST FOR RECONSIDERATION AND CLARIFICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action dated June 6, 2006 indicates that the Appeal Brief filed March 29, 2006 is premature because none of the claims have been twice rejected, and cites 37 CFR §1.111. The Office Action further indicates that the Notice of Appeal filed on January 30, 2006 and the Appeal Brief filed on March 29, 2006 are not responsive to the Office Action dated October 31, 2006.

The above determinations by the Examiner clearly are in error and must be withdrawn so that the application can proceed to appeal.

This application is a continuation of U.S. Serial No. 10/195,025 filed July 11, 2002 and of U.S. Serial No. 09/446,671 filed December 23, 1999.

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H. Duane Switzer
H. Duane Switzer

The claimed subject matter under rejection in this application was twice rejected in each of the '025 and '671 applications for a total of five rejections.

The right to appeal claims that have been twice rejected in 37 CFR §41.31(a)(2) includes rejections in parent applications of a continuation application. MPEP §1204 provides in part:

"A notice of appeal may be filed after any of the claims has been twice rejected, regardless of whether the claim(s) has/have been finally rejected. The limitation of "twice** rejected" does not have to be related to a particular application. >See *Ex Parte Lemoine*, 46 USPQ2d 1420, 1423 (Bd. Pat. App. & Inter. 1994) ("so long as the applicant has twice been denied a patent, an appeal may be filed")< For example, if any claim was rejected in a parent application, and the claim is again rejected in a continuing application, then applicant **>can choose< to file an appeal in the continuing application, even if the claim was rejected only once in the continuing application."

The claims in the parent and continuing application do not have to be identical.

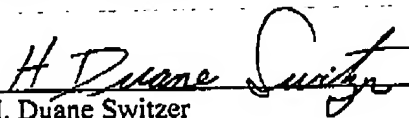
An argument by the dissent in *Lemoine* that the claims had to be of the same scope was rejected by the majority as follows at 46 USPQ2d 1423:

"The dissent also errs in construing 'any of whose claims has been twice rejected' to mean 'any of whose claims, which do not differ in substance and scope from previously rejected claims, has been twice rejected.' There is simply no support for this limited view in the statute."

"Under our interpretation, so long as the applicant has twice been denied a patent, an appeal may be filed."

The Office Action of June 6, 2006 should be withdrawn and the application permitted to proceed to appeal.

Respectfully submitted,


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Dated: June 9, 2006